



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION 10**

1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101-3140

NOV 18 2015

OFFICE OF  
COMPLIANCE AND ENFORCEMENT

Reply To: OCE-101

**Certified Mail - Return Receipt Requested**

Mr. Richard Davidson  
Central Peninsula General Hospital  
250 Hospital Place  
Soldotna, Alaska 99669

Re: **NOTICE OF VIOLATION**  
Central Peninsula General Hospital (CPGH)  
EPA ID Number AKR 00020 1988

Dear Mr. Davidson:

This Notice of Violation (NOV) is to inform you of violations of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6901. These violations were identified as a result of an inspection performed by the U.S. Environmental Protection Agency (EPA) on August 4, 2014, at the facility located at 250 Hospital Place, Soldotna, Alaska 99669. The purpose of the inspection was to determine the facility's compliance with RCRA hazardous waste generator standards, universal waste management standards, and used oil management standards. This inspection was performed pursuant to EPA's authority under Section 3007 of RCRA, 42 U.S.C. § 6927. At the time of the inspection, the following violation was observed:

**Violation 1: Failure to determine if a solid waste is a hazardous waste**

The regulation at 40 C.F.R. § 262.11 requires that a person who generates a solid waste must determine if that waste is a hazardous waste. At the time of the August 4, 2014 inspection the inspector found that CPGH was sending waste pharmaceuticals to EXP Pharmaceutical (EXP) as potentially creditable pharmaceuticals. At least three of these wastes had been determined by EXP to not be creditable on more than two occasions. EXP determined that the wastes were hazardous waste and notified CPGH of this determination.

Waste pharmaceuticals that fail to receive credit through a reverse distributor become solid waste subject to the 40 C.F.R. § 262.11 requirement to determine if the waste is hazardous. Failure to determine if the waste pharmaceuticals were a hazardous waste prior to shipping them offsite was a violation of 40 C.F.R. § 262.11.

Nationally, EPA has issued a proposed change to the regulations regarding the management of waste pharmaceuticals. These proposed changes would clarify what is considered potentially creditable and would prohibit sending non-potentially creditable pharmaceuticals to a reverse distributor such as EXP. For more information on this proposed rule search on [regulations.gov](http://www.regulations.gov) Docket No. EPA-HQ-RCRA-2007-0932.

## Required Action

The above violations may subject CPGH to enforcement action under Section 3008 of RCRA, including the assessment of civil penalties. Within fifteen (15) days of receipt of this NOV, the EPA requests that you submit a written response that identifies all actions you have taken or will take to correct the violations and the timeframe for completing such action. This response must include documentation and may include photographs of the corrected action, if applicable.

Please send all material submitted in response to this NOV to Jack Boller by email at [bolter.jack@epa.gov](mailto:bolter.jack@epa.gov), or:

Jack Boller  
U.S. Environmental Protection Agency  
Air-RCRA Compliance Unit, AWT-1500  
1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101

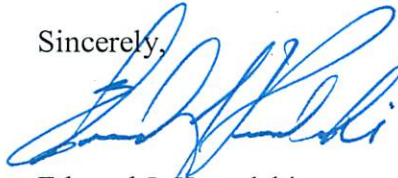
## EPA Reservation of Rights

Notwithstanding this NOV or your response, the EPA reserves the right to take any action pursuant to RCRA or any other applicable legal authority, including without limitation, the right to seek injunctive relief, implementation of response actions or corrective measures, cost recovery, monetary penalties, and punitive damages. Your response to this NOV does not constitute compliance with RCRA.

Nothing in this NOV or your response shall affect duties, obligations, or responsibilities with respect to CPGH under local, state, or federal law or regulation.

Thank you for your prompt attention to this important matter. If you have questions regarding this NOV, please contact Jack Boller of my staff at 206-553-2953 or by email at [bolter.jack@epa.gov](mailto:bolter.jack@epa.gov).

Sincerely,



Edward J. Kowalski  
Director